

The Gazette of India



EXTRAORDINARY

PART I—Section 1

PUBLISHED BY AUTHORITY

No. 377] NEW DELHI, TUESDAY, SEPTEMBER 2, 1952

ELECTION COMMISSION, INDIA

NOTIFICATIONS

New Delhi, 2nd September, 1952

No. 19/97/52-Elec.III.—Whereas the election of Shri Shanker Shantaram More of Shivaji Nagar, Poona, as a member of the House of the People from the Sholapur constituency of that House, has been called in question by an election petition duly presented under Part VI of the Representation of the People Act, 1951 (XLIII of 1951) by Shri Krishnai Bhimrao Antrolkar of 444, South Kasba, Sholapur;

And whereas, by Notification No. 19/97/52-Elec. III, dated the 3rd July, 1952, the Election Commission has appointed Shri P. C. Bhatt, District Judge, Poona, to be the Chairman of the Election Tribunal for the trial of the said petition:

Now, therefore, in pursuance of the provisions of section 86 of the said Act, the Election Commission hereby appoints—

- (1) Shri V. K. Ghaskadbi, District Judge, North Satara.
- (2) Shri Shankar Bhaskar Jathar, Advocate, Labernam Road, Gamdevi Bombay.

as the other members of the said Tribunal.

No. 19/56/52-Elec.III.—Whereas the elections of the persons mentioned in the Commission's notifications Nos. 19/170/52-Elec.III, 19/56/52-Elec. III and 19/35/52-Elec.III, dated the 12th July, 1952, as members of the House of the People from the Chittoor, Krishnagiri and Dharmapuri constituencies respectively, of that House have been called in question by election petitions duly presented under Part VI of the Representation of the People Act, 1951 (XLIII of 1951), by the persons as mentioned in the said notifications;

And whereas, by the said notifications, the Election Commission has appointed Shri M. Anantanarayanan, I.C.S., District Judge, North Arcot, Vellore, to be the Chairman of the Election Tribunals for the trial of the said petitions:

Now, therefore, pursuance of the provisions of section 86 of the said Act, the Election Commission hereby appoints—

- (1) Shri P. Ramakrishna Iyer, I.C.S., District Judge, Chittoor.
- (2) Shri B. V. Viswanatha Aiyar, Advocate, No. 1, Venka's, Agraaharam, Mylapore, Madras-4.

as the other members of the said Tribunal.

No. 185.—In pursuance of the provisions of sub-section (1) of section 90 of the Representation of the People Act, 1951, (XLIII of 1951), the following Election petition presented under section 81 thereof is published for information

E. MUKARJI, Chairman,
Election Tribunal, Vindhya Pradesh, at Rewa.

Dated 28th August, 1952.

THE ELECTION COMMISSION, NEW DELHI.

HOUSE OF THE PEOPLE ELECTION PETITION NO. 185 OF 1952.

- 1 Lal Gajmochan Singh Son of Amol Singh Resident of Wairhan District Sidhi, Elector No. 441 of Patwari Halka Waidhan, Supervisor Kanungo Circle Gird, Tehsil Singrauli District Sidhi.
- 2 Babu Dayalal Son of Dharansi, Resident of Shahdol, Elector No. 301, Circle No. 1, Municipal Board Shahdol District Shahdol.
- 3 Ram Sundar Son of Lalooram, Resident of Sohagpur District Shahdol, Elector No. 1143 of Village and Tehsil Sohagpur District Shahdol.
- 4 Jagdish Prasad Son of Chhotooram Resident of Sohagpur District Shahdol, Elector No 826, of village and Tehsil Sohagpur District Shahdol.

Petitioners.

Versus.

1. Bhagwan Dutta Shastri aged about 30 years Son of Hari Bhushan, Resident of Katra Rewa.
2. Lala Ram Ratanji Gupta aged about 45 years Son of Lala Biharilal Resident of 20/204 Chatai Mohal Kanpur.
3. Puranmal aged about 37 years Son of Dhanraj Resident of village Kotma Post Office Kotma, District Shahdol.
4. Rajiv Lochan Son of Ram Narain Agnihotri, Resident of Rajawar Post Office Madhogarh, District Satna, V.P.
5. Premji Nigam Son of Madho Prasad Nigam aged about 25 years Resident of Town Shahdol, District Shahdol.
- 6 Ramdaman Singh Son of not known Resident of Gijwar Post Office Majhauli District Sidhi.

Respondents.

*Election Petition under section 80 of Representation of People Act 1951,
Calling in Question the Election to the House of people from Shahdol-Sidhi Constituency of Vindhya Pradesh.*

The petitioners above named beg to submit as follows:—

1. That the petitioners are electors of Shahdol-Sidhi constituency of the House of People of Vindhya Pradesh and are entitled to present this petition.
2. That in the month of November 1951 the Shahdol-Sidhi constituency in Vindhya Pradesh was called upon by the President to elect two Members to the House of People one for the General seat and the other for the seat reserved for a member belonging to the Scheduled Tribes, under the provisions of the Representation of People Act and the Rules and Orders made thereunder.
3. That Shri Lal Shankhadhar Singh, Deputy Commissioner, Shahdol was appointed the Returning Officer for the above said constituency and 5th December 1951 was fixed as the last date for filing nominations by persons seeking election, 8th December 1951 for the scrutiny of these nominations, 11th, 13th, 15th, 17th and 19th January 1952 for polling of votes in the said constituency.
4. That accordingly nominations by various persons including the respondents were filed before the Returning Officer upto the 5th December 1951 and the same were scrutinised by him on the 8th December 1951.

5. That out of the twelve nomination papers filed before the Returning Officer, only five nomination papers pertaining to the respondents No. 1, 2, 3, 4, and 5 were held to be valid and they were declared duly nominated and the remaining nomination papers were rejected.

6. That for the seat reserved for the Scheduled Tribes three nomination papers including that of respondent No. 6 were filed before the Returning Officer whereof two nomination papers were rejected and the nomination of Respondent No. 6 was held to be valid and he was duly nominated for the seat reserved for the Scheduled Tribes. There being no other nominated candidate for the said seat Respondent No. 6 was declared selected and the result was published in the Gazette dated 17th January 1952, and no voting took place in the said constituency for the seat reserved for the Scheduled Tribes.

7. That Respondents No. 4 and 5, two of the duly nominated candidates withdrew their nomination papers on 11th December 1951 leaving only Respondents No. 1, 2 and 3 as the duly nominated candidates for the general seat.

8. That votes were polled on the dates mentioned in para 2 above at various Polling Stations of the constituency and counting of votes took place at the following places on the dates mentioned against them:—

Umaria	..	24th January 1952.
Shahdol	..	25th January 1952 to 1st February, 52.
Rewa	..	4th February 1952.
Sidhi	..	5th and 6th February 1952.
Umaria	..	9th February 1952.
Shahdol	..	10 February 1952.

9. That the Respondents No. 1, 2, and 3 were declared by the Returning Officer to have polled the following number of votes:—

Respondent No. 1	71589.
Respondent No. 2	50585.
Respondent No. 3	39990.

10. That the Respondent No. 1 was declared to have been elected by the Returning Officer and the result of the election was published in the Extraordinary issue of the Official Gazette, dated 14th February 1952, and whose return of election expenses and declaration has been filed on 28th March, 1952 with the Returning Officer.

11. That the petitioners assert that the election of Respondent No. 1 is void and liable to be set aside on the following grounds, viz.—

That the Respondent No. 1 himself and through his agents, canvassers, workers, supporters committed the corrupt practice of bribery in the form of promising one pair of bullocks and ten khandies of land free of cost on his election to all electors of the villages in the Tehsils of Gopad Banas, Devsar and Singrauli, who would cast their votes in favour of Respondent No. 1 detailed particulars whereof are set out in list 'A' annexed to this petition.

12. That the Respondent No. 1 himself and through his agents, canvassers, workers and supporters committed the corrupt practice of undue influence in the form of:—

- (a) Having induced the electors of Tehsil Mauganj in Rewa District and that of the entire District of Sidhi by giving out to them that it was a sin to vote for anyone else but Respondent No. 1, who was a spiritual Guru of the constituency and his curse would fall on every elector who would not vote for Respondent No. 1.
- (b) Having preached into the same area that it was only Respondent No. 1 being the Brahmin Guru who could save the electors from the purgatory and not the wealthy Banias who were trying to obtain their votes.
- (c) Having held out in the villages of Amar Kantak and Harshwah Polling stations and other villages of Shahdol district that every elector who would go to poll his vote in the above said places would be killed by bombs concealed in the ballot boxes and thus the entire villages would be wiped out, and so a large number of voters abstained from casting their votes for fear of being annihilated.

- (d) having propagated in the areas of Pushparajgarh Tehsil and Burahr area that if two electors being husband and wife would cast their votes in different ballot boxes they would be forcibly separated by the Government and for fear of being so separated from their husbands the women electors of the said area refrained from casting their votes.
- (e) having freely circulated in the villages of Nargarhi and Ganj, etc., that Respondent No. 1 was the spiritual Guru and Head of the Brahmin Community and whosoever did not vote for him would be visited by the curse of Brahmdeo and would not in Hell till sternity.
- (f) paying money to the Gond residents of the villages of Channori and other places in the polling station of Nebuha and other places for performing Karma dance and for drinking liquor and when their excitement was at high pitch they were made to swear by the oath of Madain Dai that they would vote for no one else but respondent No. 1.
- (g) having circulated leaflets in numerous villages of Sahdol district that every elector belonging to the Gond community who would not vote for respondent No. 1 would be ex-communicated. The particulars are detained in list 'B' annexed to this Petition (Copy of leaflet annexed hereto).

12. That Respondent No. 1 himself and through his agents, workers, canvassers and supporters committed the corrupt practice of procuring and abetting and attempting to procure persons to personate at the election at every polling station particulars whereof are given in List 'C' annexed to this petition.

13. That the Respondent No. 1 directly or indirectly through his agents, workers, canvassers and supporters published false statements or got them published with the connivance of himself and his agents believing them to be false or at any rate not believing them to be true. The said false statements relating to the personal character and conduct of respondent No. 2 were reasonably calculated to prejudice the prospectus of his election and have actually resulted in a large number of electors being misled and not voted for Respondent No. 2. The details of the statements and the manner in which they were published and other particulars are detailed in list 'D' annexed to this petition.

14. That the Respondent No. 1 directly or indirectly through his agents, canvassers, workers and supporters hired and procured bullock carts and motor trucks for the conveyance of electors to Kotma and Alhua Polling Stations in Shahdol and Mauganj and back to their places, details whereof are set out in List 'E' annexed to this petition.

15. That the Respondent No. 1 himself and through his agents, supporters, workers and canvassers took the assistance of a number of Government servants and patwaris to further the prospects of his election. The names of such servants and particulars of such assistance taken are detailed in List 'F' annexed to this petition.

16. That the return of election expenses lodged by Respondent No. 1 is false in material particulars full details whereof are given in List 'G' annexed to this petition. The petitioners submit that the result of the election has been materially affected by these corrupt practices and in any case the Respondent No. 1 has incurred a disqualification and his election has become void.

17. That there was a systematic appeal to the electors of Tehsil Mauganj of Rewa district and those of electors in the district of Sidhi to vote for Respondent No. 1 on the ground that he belongs to the same caste and community and religion and a large number of voters were led thereby to vote for the respondent No. 1 while numerous electors who would have voted for Respondent No. 2 and 3 refrained from voting. Particulars of such appeals and of electors are given in List 'H' annexed to this petition. The petitioners assert that the majority in favour of Respondent No. 1 has been procured by means of these corrupt practices and the result has been materially affected by the voting and abstention from voting referred to above.

18. That certain friends and well-wishers of respondent No. 1 namely Janardan Prasad Pandey and Madhusudan Prasad and others incurred expenditure with his connivance on advertisements circulars and other publications without his written authority and committed an illegal practice. The details of such persons advertisements and circulars etc. are shown in list 'I' thereby materially affecting the result of the election.

19. That Respondent No. 1 directly or indirectly through his agents, canvassers, workers and supporters used places for the purpose of holding meetings to which electors were admitted where intoxicating liquor was sold to the public and thereby committed an illegal practice which materially affected the election full particulars whereof are given in list 'J' annexed to this petition.

20. That Respondent No. 1 directly or indirectly through his agents, workers, canvassers and supporters issued and got issued circulars and leaflets attached to the petition and detailed in list 'K' which did not bear on the face of them the names and particulars of the printers and publishers thereby incurring a disqualification for membership by reason of this illegal practice.

21. That even if the petitioners are not able to satisfy that the aforesaid corrupt practices were committed by Respondent No. 1 or his agents or by other persons with their connivance the petitioners submit that election of Respondent No. 1 has been procured and induced by the said corrupt practices and at any rate the result of the election has been materially affected by that, and but for that the Respondent No. 2 would have got the majority of votes.

22. That the result of the election of Respondent No. 1 was materially affected by the improper refusal of votes polled in favour of Respondent No. 2 and non-compliance with the provisions of the Representation of the People Act and Rules and Orders made thereunder, full particulars whereof are given in List 'I' annexed to this petition.

23. That the petitioners have deposited a security of Rs. 1,000 the receipt of which is hereby annexed.

Prayer

The petitioners claim:—

- (a) That the election of Respondent No. 1 be declared void.
- (b) That the Respondent No. 2 be declared duly elected.
- (c) Cost of the petition be awarded to the petitioners.
- (d) Any other relief to which the petitioners may be entitled.

Dated 24th April 1952.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR MISHRA.

Verification

I, Dayalal hereby verify that the contents of paras. 1, 2, 3, 4, 5, 6, 7, 8, 10 and 23 are true to my personal knowledge and belief, the contents of paras. 9 and 13 are true to information received and believed by me to be true and the contents of paras. 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, and 22 are true partly to my personal knowledge and partly to information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) DAYALAL.

LIST 'A'

Respondent No. 1 through his agents, canvassers, workers and supporters held out a promise of giving ten Khandies of land and one pair of bullocks free of cost to every elector who would cast his vote in favour of Respondent No. 1. The names of such persons, the places where this promise was given out and the dates are mentioned below:—

- (1) In the village of Bandha, Rajmilan, Khatkhati, Padri, Maugain, Naugarh, Khutar and Waldhan of Singrauli Tehsil by Shyam Kartik and Ram Kishan of Singrauli between the dates of 1st January to 8th January 1952.
- (2) In the villages of Majhauli, Madwas, Khadda, Bijuri and Sindura of Sidhi/Madwas area of Gopad Banas Tehsil and in the town of Sidhi by Chandra Pratap, Shatrughan Prasad and Dadhi Singh between the dates 1st to 8th January 1952.

- (3) in the villages of Barkhara, Pachokhar, Gurari and Mao in Churhat area Sidhi district by Jagat Bahadur and Thakur Prasad Misra between 1st and 8th January 1952.
- (4) in the villages of Khaira on 8th January 1952, and in the villages of Hanuman Garhi by Chandra Pratap and Shatruhan Prasad and in the villages of Nauria in Sidhi district on 6th January 1952 by Shri Chandra Pratap, Shyamkarkit, Jagat Bahadur Singh and Shatruhan Prasad in a meeting held on Shahid day.
- (5) in the villages of Supela, Khatal Bara Hat, Bardi and Kursar by Shri Ram Khelawan between 28th December 1951 to 9th January 1952.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR.

Verification

I, Dayalal, hereby verify that the Contents of List 'A' are true partly to personal knowledge and partly on information received and believed by me to be true.

List 'B'

1. In meetings held on 22nd December 1951 at Naigarhi, on 16th January 1952 at Ganj, on 18th January 1952 at Gurehta and Kundan Purwa it was held out by the Respondent No. 1 and through his supporters and workers named Achutanand and Ramdhani that it was a sin to vote for any one else but Respondent No. 1 who was a spiritual Guru of all the electors of the constituency and the curse of the Guru would fall on every one who did not vote for Respondent No. 1.

2. In the meetings held at Naigarhi on 22nd December 1951 it was held out by Ram Dhani that the Respondent No. 1 was a Brahmin Guru who could save the electors from hell and wealthy Banias meaning thereby the Respondents No. 2 and 3 could not do so.

3. That in the villages of Jaleshwar and Amar Kantak on the 10th January 1952 and in the villages of Dharmdas, Girni, Harral under polling station Haraswah on the 16th January 1952 it was declared by Ramgopal and other agents and workers of Respondent No. 1 that if the electors would go to poll their votes, they would be killed by bombs concealed in ballot boxes and for fear of being wiped out by bombs a large number of voters did not go to vote.

4. That in the villages coming under polling Station of Sonepur, Lalpur, Gurrari and Harrai of Tehsil Pushprajgarh on the 10th, 12th and 14th January 1952 respectively and in the villages of Devvari polling Station Bhaga in Burhar area, it was declared by Shri Ram Gopal and other supporters of Respondent No. 1 that if two electors being husband and wife would cast their votes in different ballot boxes, even by mistake, they would be separated by Government.

5. That in the villages of Naigarhi Baretha, Guretha, Ganj, Sheorajpur, Kundan Purwa and others in Mauganj Tehsil Ram Dhani Brahmdeo Singh of village Baretha, Ajodhya Prasad of Maugaj and other workers of Respondent No. 1 gave out that the curse of Brahmdeo would fall on every elector who did not vote for Respondent No. 1.

6. That in the villages of Channauri Polling Station Nebuha on the 15th and 16th January 1952 in the village of Changera and Birhauji in Polling Station Birhauji on the 18th January 1952 in the villages of Katkona Polling Station Lalpur in Burhar area of Shahdol district money was paid to the Gond residents of the locality by Respondent No. 1 through his agents' workers and canvassers namely Shri Kishanpal Singh and others for performing the Karma dance and drinking liquor and when their excitement was at high pitch, they were made to swear by the oath of Madain Dal and Bara Deo that they would not vote for anybody else except Respondent No. 1.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR.

Verification

I, Dayalal, hereby verify that contents of list 'B' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) DAYALAL.

LIST 'C'

In the Polling Station of Beohari Khas Booth No. 1 the Respondent No. 1 or his agent procured to give the vote of Jhuru S/o Phundan elector No. 128 of Patwari Halka Beohari Kanungo Circle Gird of Tehsil Beohari by a woman who was not the person giving such vote.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR.

Verification

I, Dayalal, hereby verify that Contents of List 'C' are true on information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) DAYALAL.

LIST 'D'

(a) False and defamatory statements of Samalia Ram of village Sheorajpur, Dhanuk Ram of village Durehta and Deo Datta Ram of village Dhuretha in Maoganj Tehsil were circulated to the electors of Maoganj Tehsil and entire district of Sidhi on dates between 1st to 10th January 1952 copy whereof is attached.

(b) False and defamatory statements relating to the personal character and conduct of Respondent No. 2 were published by Yadunandan Prasad Agarwal Munim on or about the 4th January 1952 and were circulated to the electors of the Constituency copy thereof is attached hereto.

(c) Notice published by one Shegopal Sharma of Beohari Distt. Shahdol was circulated including false and defamatory statement to the character and conduct of Respondent No. 3 between 9th to 18th of January 1952.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR.

Verification

I, Dayalal, hereby verify that the Contents of List 'D' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) DAYALAL.

LIST 'E'

1. On 11th January, 1952 Motor Truck No. VPSL 95 and VPSL 89 brought electors from the village of Manmori to Kotma Polling Station by Haider Ali of Kotma.

2. On 11th January, 1952 Motor Truck belonging to Shri Achhota Nand brought electors from the villages of Amalak and Jazmaniyan to Alhua Polling Station by Achota Nand of village Dhera.

3. On 11th January, 1952 Agents workers of Respondent No. 1 brought electors on Bullock carts from the village of Manmori and Lushuai to Polling Station Kotma

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR.

Verification—

V

I, Dayalal, hereby verify that the Contents of List 'E' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) DAYALAL.

LIST 'F'

1. All the Patwaries of the District of Shahdol distributed identity slips to voters before the Polling Station and canvassed votes for Respondent No. 1 and Respondent No. 3.

2. The Patwaries of villages Mara, Chatauli and Waidhan in Tehsil Singrauli openly canvassed for Respondent No. 1 from 1st January, 1952 to 10th January 1952.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR.

Verification

I, Dayalal, hereby verify that the Contents of List 'F' are true partly to my knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April, 1952.

(Sd.) DAYALAL.

LIST 'G'

1. The correct amount received by Respondent No. 1 and the column for receipt has not been truly shown.

2. That in part 'A' (Ka) the Respondent No. 1 has falsely shown the expenditure of Rs. 37/9/1 on 4th December, 1951.

3. In the part 'Anga' the expenditure on pamphlets issued on behalf of Respondent No. 1 copies whereof are attached hereto has been deliberately not shown.

4. The expenditure incurred in purchasing nomination papers and obtaining a certified copy at Rewa Municipal Board was deliberately concealed.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR.

Verification

I, Dayalal hereby verify that the Contents of List 'G' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April, 1952.

(Sd.) DAYALAL.

LIST 'H'

1. Notice issued by Samalia Ram and Danik Ram, dated nil for Respondent No. 1 and freely circulated in the Tehsil of Mauganj in Rewa District.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR.

Verification

I, Dayalal, hereby verify that the Contents of List 'H' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April, 1952.

(Sd.) DAYALAL.

LIST 'I'

(a) Notice issued by Shri Janardan Prad. B.A., LL.B., Municipal Commissioner Rewa having no date and no name of the printers freely circulated in the whole constituency

(b) Notice published by Shri Madhusudan Prad., Municipal Commissioner, Rewa, having no date and no name of the printers was freely circulated in the entire constituency between 3rd January to 10th January, 1952.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR.

Verification

I, Dayalal, hereby verify that the Contents of List 'I' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April, 1952.

(Sd.) DAYALAL.

LIST 'J'

1. Meeting held at the liquor shop of Chunmari on 15th, 16th January, 1952 by Krishanpal Singh and where liquor was being sold to the public.

2. The liquor shop owned by Ganga Singh Oudhraj Singh in villages Lahsuwa, Singapura, Jatehri and Pondi in Tehsil Pushprajgarh was used for holding a meeting where electors were admitted where intoxicating liquor was being sold to the public.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR. (In Hindi).

Verification

I, Dayalal, hereby verify that the Contents of List 'J' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April, 1952.

(Sd.) DAYALAL.

LIST 'K'

(a) Notice issued by Shri Janardan Prasad, B.A., LL.B., Municipal Commissioner, Rewa, having no date and no name of the printers was freely circulated in the whole constituency (copy attached), and

(b) Notice published by Shri Madhusudan Prasad, Municipal Commissioner, Rewa, having no date and no name of the printers was freely circulated in the entire constituency between 3rd January to 10th January, 1952 (copy attached).

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR. (In Hindi).

Verification

I, Dayalal, hereby verify that the Contents of List 'K' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) DAYALAL.

LIST 'L'

1. Ballot papers issued for the Polling Stations Bijuri, Thangaon, Belia, Baherabandh and Katkona, etc. in the Kotma circle and also in Pushprajgarh and Beohari areas were found in the ballot boxes of other Polling Stations.

2. Rule 25(3) of the Representation of People Act was not observed in as much as the Presiding Officer of Polling Station Amilia (Kotma) took no steps to ensure that the ballot boxes put for use at the said polling station were ready for the reception of ballot papers.

3. Provisions of Rule 32 of Representation of People Act were not observed in as much as no separate packets were made up of the unused ballot papers at Bijuri, Belia, Thangaon, Katkona and Bahesabandh Polling Stations, nor were the same sealed nor delivered to the Returning Officer. On the other hand, the unused ballot papers were retained by the Presiding Officer with him after the polling and produced in loose heaps from his own house before the Returning Officer at the time of counting, one week after the date of polling.

4. Rule 33 was not complied with as neither any packets as required in rule 32 were made up nor any account of ballot papers in Form 10 was made by the Presiding Officer Shri Oudh Saran Misra, showing the total of Ballot papers entrusted to him for each polling booth and the ballot papers returned by him to the Returning Officer as unused, tendered and returned, as also the number of ballot papers which should have been found in the ballot boxes.

5. No arrangements for the safe custody of the ballot boxes packets and other papers until the commencement of the counting of votes were made by the Returning Officer as required by Rule 34. On the other hand, on 4th February 1952 at Rewa at the time of counting the votes ballot boxes were found with seals open and outer symbols missing.

6. Rule 45 was not complied with at the time of counting in as much as the Returning Officer allowed unauthorised persons including hawkers and vendors of commodities to have free access to the tables where counting was going on at Sidhi on 6th February 1952.

7. Persons employed by Respondent No. 1. bearing badges showing their membership of "Bhuka Karamchari" Movement sponsored by the Socialist Party were appointed as counting staff in contravention of rule 45 (2) of the Representation of Peoples Act.

8. Rule 46 (1) was not complied with by the Returning Officer in as much as he failed to read the provisions of Section 128 of the Act to persons present before he commenced to count the votes.

9. The Returning Officer did not follow the procedure laid down in Section 58 of Representation of Peoples Act after having found that the ballot boxes had been tampered with and seals thereof were not intact, with strings openly visible, seals broken and loose and the paper seals having no signature of the various agents of candidates and the Presiding Officer at two Polling Stations of Umaria Circle when the counting took place at Rewa on 4th February 1952 and Sidhi on 5th and 6th February 1952 and Umaria on 9th February 1952 and thus rule 46 sub-clause (v) was not complied with.

10. Rule 46 (v) was infringed in as much as the counting of ballot papers contained in the ballot boxes allotted to one candidate was not completed before the ballot papers contained in the boxes allotted to other candidate was commenced. In fact, the ballot boxes of various candidates were opened up simultaneously contrary to the rules and left open and unguarded and thus a large number of ballot papers were mixed up and attributed to wrong candidates.

(Sd.) GAJMOCHAN SINGH.

(Sd.) DAYALAL.

(Sd.) JAGDISH PRASAD.

(Sd.) RAM SUNDAR. (In Hindi).

Verification

I, Dayalal, hereby verify that the contents of List 'L' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) DAYALAL.

List of papers annexed to the petition.

1. Receipt showing the deposit of Rs. 1,000.
2. Original notice issued by Samalia Ram referred to in List 'D' para. 'a' and List 'H'.
3. Original notice by Yadunandan Prasad referred to in List 'D' para. 'b'.
4. Original notice by Sheogopal Sharma referred to in list 'D' para. 'c'.
5. Original notice by Janardan Prasad referred to in list 'I' para. 'a' and list 'K' para. 'a'.
6. Original notice by Madhusudan Prasad referred to in list 'II' para. 'b' and list 'K' para. 'b'.
7. Original leaflet issued by Shukhsen and others referred to in para. 11(g) of the petition.

(Sd.) DAYALAL.

24-4-52.

No. 187.—In pursuance of the provisions of sub-section (1) of Section 90 of the Representation of the People Act, 1951 (XLIII of 1951), the following Election Petition presented under Section 81 thereof is published for information.

E. MUKERJI, *Chairman,*
Election Tribunal,
Vindhya Pradesh at Rewa.

Dated 26th August 1952.

THE ELECTION COMMISSION OF INDIA
NEW DELHI

HOUSE OF THE PEOPLE ELECTION PETITION NO. 187 OF 1952

1. Tilakraj Singh, son of Gulab Singh, Resident of Waidhan, District Sidhi, Elector No. 444, Patwari Halka Waidhan, Supervisor Kanungo Circle Gird. Tehsil Singrauli, District, Sidhi.

2. Bisheshar Singh, son of Bhondu Singh, Resident of Bhagra Mamla, Tehsil Bandhargarh, District Shahdol, Elector No. 1, Bhagra Mamla, Patwari Halka Umaria, Supervisor Kanungo Circle Chandia, Tchsil Bandhargarh, District Shahdol.

3. Bhagwandas, son of Dayalal, resident of Shahdol, Elector No. 508, Circle No. 1, Municipal Board, Shahdol, District Shahdol.

{ Petitioners.

Versus

1. Bhagwan Dutta Shastri, aged about 30 years, son of Hari Bhushan, resident of Katra Rewa.

2. Randaman Singh, son of not known, resident of Gijawar, P.O. Majhaull, Distt. Sidhi.

3. Lala Ram Ratanji Gupta, aged about 45 years, son of Lala Beharlal, resident of 20/204, Chatral Mohal, Kanpur.

4. Puranmal, aged about 37 years, son of Dhanraj, resident of village Kotma, P.O. Kotma, District Shahdol.

5. Rajiv Lochan, son of Ramnarain Agnihotri, resident of village Rajarwar, P.O. Madhogarh, District Satna, Vindhya Pradesh.

6. Premji Nigam, son of Madho Prasad Nigam, aged about 23 years, resident of Town Shahdol, Distt. Shahdol.

{ Respondents.

Election Petition under Section 80 of Representation of People Act, 1951 calling in question the election to the House of People from Shahdol-Sidhi constituency of Vindhya Pradesh.

The Petitioners above named beg to submit as follows:-

1. That in pursuance of a notice calling upon the Shahdol/Sidhi constituency of Vindhya Pradesh to elect two members to the House of the People, nominations were filed before the Returning Officer on 5th December 1951 by persons seeking election and 8th December 1951 was fixed for the scrutiny of the papers and 11th December 1951 was fixed for the withdrawal of nomination papers and 11th 13th, 15th, 17th and 19th January 1952 for polling at the various centres in the above said constituency.

2. That the Petitioners are registered electors in the electoral rolls in the above said constituency and are entitled to present this petition, questioning the election of Respondents No. 1 and 2, the declaration of whose election has been published in the gazette of 14-2-52 and 17-1-52 respectively and the return of whose election expenses have been lodged by them with the Returning Officer on 26th and 27th of March 1952 respectively.

3. That various persons filed nomination papers including the Respondents before the Returning Officer and the nomination papers were scrutinised on 8th December 1951 when the nomination papers of Respondents No. 1, 2, 3, 4, 5 and 6 were held to be valid and the remaining nomination papers were rejected.

4. That respondents No. 5 and 6 withdrew their nomination on 8-12-52 leaving Respondents No. 1, 3 and 4 as the duly nominated candidates for the general seat and Respondent No. 2 for the Scheduled Tribes seat. As there was no other candidate for the Scheduled Tribes seat, Respondent No. 2 being the only candidate was declared elected and polling of votes took place on the dates fixed for the general seat.

5. That the counting of votes took place with the following result:-

Respondent No. 1	71589	Votes
Respondent No. 3	56585	"
Respondent No. 4	39990	"

6. That the result of the election referred to above was materially affected by the improper acceptance of the following nomination papers and the election is void on that ground:-

(a) that on 8-12-51 the nomination paper of Respondent No. 1 was accepted in total disregard of Section 35 Sub-clause 6 of the Representation of People Act 1951 in as much as the name of Respondent No. 1 was not registered in the Electoral Roll of Shahdol/Sidhi constituency and Respondent No. 1 failed to produce either a copy of the Electoral Roll in which his name was included or a duly certified copy of the relevant entry in such Electoral Roll before the Returning Officer;

(b) that the nomination paper of the Respondent No. 4 was improperly accepted in flagrant disregard of Section 7(d) of the Representation of People Act 1951 in as much as he was a member of a firm styled Ramrikhdass Dhanraj situated at Kotma District Shahdol which firm was a quota holder of cloth, holding a licence for distribution of the same by the Government and thus Respondent No. 4 had a share in it. The Returning Officer also ignored the fact that the nomination paper did not bear the signature of Respondent No. 4 as well as the fact that the Firm Ramrikhdass Dhanraj of which Respondent No. 4 was a partner had entered into a contract with the State Government for the supply of rice to the Union Government.

7. That the result of the election was also materially affected by the rejection of the following nomination papers:-

(a) that the nomination paper of Shri Babulal Udaniya, son of Pt. Ganesh Prasad, resident of Shahdol, Elector No. 588 of Burhar Patwari Halka Burhar, Supervisor Kanungo Circle Burhar, Tehsil Suhagpur, Distt. Shahdol was improperly rejected on the ground that he being a counsel for the State Railways was holding an office of profit and thus was disqualified from being elected as a Member to the House of the People. The rejection of Shri Babulal Udaniya's nomination papers on this

ground was wholly illegal and improper. The result of the election has been materially affected by the improper rejection of Shri Babulal Udaniya's nomination papers for he had every hope of securing the majority of votes if he had not been deprived of contesting by reason of the said rejection of his nomination and also because many of the votes polled for Respondent No. 1 would not have been cast for him if Shri Babulal Udaniya had been allowed to contest the election and the Respondent No. 1 could not have secured the present majority of votes over the candidates;

- (b) that the nomination paper of Shri Deep Narain, son of Pt. Jagdambika Prasad, resident of Umaria, Elector No. 3 Municipality Umaria Ward No. 1, Tehsil Bandhavgarh, District Shahdol one of the candidates who was nominated was frivolously rejected on the ground that the name of the constituency in the nomination paper was wrongly entered as Shahdol-Sidhi-Mauganj constituency;
- (c) that the nominated papers of Shri Raj Kishore Shukla, son of Brijmohan-lal, resident of Satna, Elector No. 582 of Satna Municipality Ward No. 2 of Satna District, another candidate who was nominated at the election was wrongly rejected on the ground that the same were incomplete when the said candidate signed his assent on the nomination papers, and that there was no deposit of the requisite sum under Section 34 of Representation of People Act 1951.

8. That the election was not a free election inasmuch as the election of Respondent No. 1 was procured and induced by the following corrupt and illegal practices and the result of the election has been materially affected:—

1. That the Respondent No. 1 himself and through his agents unduly influenced the electors of Tehsil Mauganj and the Electors of the district Sidhi by representing to them that whosoever did not vote for Respondent No. 1 who was the spiritual Guru would be doing a sin and would go to Hell.
2. That in the villages of Amar Kantak and Harswah Polling Stations in Pushprajgarh area it was propagated by Respondent No. 1 and his agents that if votes be polled in the Ballot Boxes the bombs which were concealed therein would wipe out the entire population and a large number of voters refrained from casting their votes for fear of being killed.
3. That it was also declared at Pushparajgarh Tehsil and Burhar areas that where two electors being husband and wife would cast their votes in different ballot boxes the Government would separate them forcibly and the women electors totally abstained from casting their votes.
4. That in the villages of Polling stations of Nebuha and Birhuli the Gond electors were paid heavy sums of money to perform the Karma dance and to drink liquor and in that intoxicated condition oaths of 'Madain Dai' was administered to them that they should vote for no one else except Respondent No. 1.
5. That systematic appeals to the voters of Gopad Banas and Singrauli Tehsils of Sidhi district and Mauganj Tehsil of Rewa district where the majority of electors were Brahmins that the Brahman voters should not vote for the Banias who were Respondents No. 2 and 3, and the Brahmins should prefer a man from their own community. Full particulars and details are given in list A.

9. That the following corrupt practices were also committed by Respondent No. 1 and his election has become void on that account:—

- (1) Motor Trucks and Bullock carts were used to bring voters to the Kotma Polling Stations, details whereof are given in List 'B'.
- (2) That false and defamatory statements were published by Respondent No. 1 and his agents concerning the character and conduct of Respondents No. 3 and 4 and circular and leaflets were freely distributed, particulars of which are given in List C.

10 That the following illegal practices were committed and the election of Respondent No 1 is void on that account—

- (1) That meetings were held by Respondent No 1 and his agents in the villages of Tahsuva Singhaura Jatehri and Pondi in Tehsil Pushprajgarh in places where intoxicating liquor were sold to the public particulars whereof are given in schedule D
- (2) That handbills and circulars and leaflets were issued having reference to the election by Respondent No 1 which did not bear on their face the names and addresses of the printers and publishers thereof Copies whereof are attached and details given in List E

11 That the election of Respondent No 1 is further void for the following non-compliance of the Representation of People's Act and Rules and Orders made thereunder,—

- 1 That in contravention of Rule 58 identity slips were issued to the voters through the agency of Patwaris in the District of Shahdol by the Returning Officer and canvassing was done for Respondent No 1 and Respondent No 3
- 2 That Ballot papers not issued for Bijuri and Katkona Polling Stations were found in the Ballot Boxes of those stations
- 3 That Presiding Officer at Amalia Station neglected to place the ballot boxes in a proper way That a large number of ballot papers were declared invalid
- 4 That at Sakila Polling Station canvassing of electors was systematically carried out within 100 yards of the Polling station and also inside the Polling booths
- 5 That the statements of Ballot papers from Polling Station Bijuri, Thangaon Katkona and Bahera Bandh ballot papers were found inside the ballot boxes which were never authorised to be issued to the electors of the said booths and statements in form 10 were not properly filled up
- 6 That the Polling at Beohari Khas polling booth was stopped at 4 P.M half an hour before the time fixed with the result that a large number of voters had to go back
- 7 That the Return of expenses filed by Respondent No 1 is false in material particulars and Respondent No 1 is liable to be declared void on that ground and his election be set aside particulars whereof are given in List 'F'
- 8 That the Petitioners have deposited Rs 1000/- being the cost of the petition and a receipt whereof is enclosed

Prayers

The Petitioners claim--

- (a) That the election is wholly void
- (b) That the costs of the Petition be awarded to the Petitioners
- (c) Any other Relief to which the Petitioners may be entitled

(Sd) (In Hindi) BISESAR SINGH

(Sd) BHAGWAN DAS.

(Sd) TILAK RAJ SINGH.

Dated 24th April 1952

Verification

I Bhagwandass hereby verify that the contents of paras 1, 2, 3 and 4 are true to my personal knowledge and belief, the contents of paras 5, 6 and 7 are true partly to my personal knowledge and partly to information received and believed by me to be true and contents of 8, 9, 10, 11 and 12 are true to information received and believed by me to be true

Verified at Delhi on 24th April 1952

(Sd) BHAGWAN DAS

LIST "A"

1. In meetings held on 22nd December 1951 at Naigarhi, on 16th January 1952 at Ganj, on 18th January 1952 at Gurehta and Kundan Purwa it was held out by the Respondent No. 1 and through his supporters and workers named Achutanand and Ramadhaari that it was a sin to vote for any one else but Respondent No. 1 who was a spiritual Guru of all the electors of the constituency and the curse of the Guru would fall on every one who did not vote for Respondent No. 1.

2. That in the meetings held at Naigarhi on 22nd December 1951 it was held out by Ram Dhani that the Respondent No. 1 was a Brahmin Guru who could save the electors from Hell and the wealthy Banias meaning thereby the Respondent, No. 2 and 3 could not do so.

3. That in the villages of Jaleshwar and Amar Kantak on the 10th January 1952 and in the villages of Dharamdas, Girni, Harrai under Polling Station Haraswah on the 16th January 1952 it was declared by Ramgopal and other agents and workers of Respondent No. 1 that if the electors would go to poll their votes, they would be killed by bombs concealed in the ballot boxes and for fear of being wiped by bombs a large number of voters did not go to vote.

4. That in the villages coming under Polling Stations of Sonepuri Lalpur, Gurrari and Harral of Tehsil Pushprajgarh on the 10th, 12th and 14th January 1952 respectively and in the village of Devari Polling Station Bhaga in Burhar area, it was declared by Shri Ramgopal and other supporters of Respondent No. 1 that if two electors being husband and wife would cast their votes in different ballot boxes, even by mistake, they would be separated by Government.

5. That in the villages of Naigarhi Baretha, Garetha, Ganj, Sheorajpur Kundan Purwa and others in Mauganj Tahsil Ram Dhani, Brahmdeo Singh of village Baretha, Ajodhia Prasad of Mauganj and other workers of Respondent No. 1 gave out that the cause of Brahmdeo would fall on every elector who did not vote for Respondent No. 1.

6. In the villages of Channauri Polling Station Nebuha on the 15th and 16th January 1952 in the village of Changera and Birhauji in Polling Station Birhauji on the 18th January 1952 in the villages of Nawatola on the 14th January 1952, and in the village of Katkona Polling Station Lalpur in Burhar area of Shahdol district money was paid to the Gond residents of the locality by Respondent No. 1 through his agents workers and canvassers namely Shri Kishanpal Singh and others for performing the Karma Dance and drinking liquor and when their excite was at a high pitch, they were made to swear by the oath of "Madain Dai" and Bara Deo that they would not vote for anybody else except Respondent No. 1.

(Sd.) BHAGWAN DAS.

(Sd.) TILAK RAJ SINGH.

(Sd.) (In Hindi) BISESAR SINGH.

Verification

1. Bhagwandas, hereby verify that the contents of List 'A' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April, 1952.

(Sd.) BHAGWAN DAS.

LIST "B"

1. On 11th January 1952 Motor Truck No. VPSL 95 and VPSL 89 brought electors from the villages of Manmori to Kotma Polling Station by Haider Ali of Kotma.

2. On 11th January 1952 Motor Truck belonging to Shri Achhota Nand brought electors from the villages of Amalak and Jagmaniyan to Alhua Polling station by Achota Nand of village Dhera.

3. On 11th January 1952 Agents workers of Respondent No. 1 brought electors on Bullock carts from the village of Manhari and Lushuai to Polling Station Kotma.

(Sd.) (In Hindi) BISESAR SINGH.

(Sd.) BHAGWAN DAS.

(Sd.) TILAK RAJ SINGH.

Verification

I, Bhagwandas, hereby verify that the contents of List "B" are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) BHAGWAN DAS.

List "C"

a. False and defamatory statements of Samalia Ram of village Sheorajpur, Dhanuk Ram of village Dureita and Deo Datta Ram of village Dhuretha in Mauganj Tahsil were circulated to the electors of Mauganj Tahsil and the entire district of Sidhi on dates between 1st to 10th January 1952 copy whereof is attached.

b. False and defamatory statements relating to the personal character and conduct of Respondent No. 2 were published by Yadunandan Prasad Agarwal Mumim on or about the 11th January 1952 and were circulated to the electors of the constituency copy whereof is attached hereto.

c. Notice published by one Sheogopal Sharma of Beohari District Shahdol circulated including false and defamatory statements to the character and conduct of Respondent No. 2 between 9th to 18th of January 1952.

(Sd.) (In Hindi) BISESAR SINGH.

(Sd.) BHAGWAN DAS.

(Sd.) TILAK RAJ SINGH.

Verification

I, Bhagwandas, hereby verify that the contents of List 'C' are true partly to my personal knowledge and partly on the information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) BHAGWAN DAS.

List 'D'

1. Meeting held at the liquor shop of Chunnari on 15th, 16th January 1952, by Kishanpal Singh and where liquor was being sold to the public.

2. The liquor shop owned by Ganga Singh Qudhray Singh in villages Lahsuva, Singhraura, Jatehri and Pondi in Tahsil Pushprajgarh was used for holding a meeting where electors were admitted where intoxicating liquor was being sold to the public.

(Sd.) (In Hindi) BISESAR SINGH.

(Sd.) BHAGWAN DAS.

(Sd.) TILAK RAJ SINGH.

Verification

I, Bhagwandas, hereby verify that the contents of List 'D' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) BHAGWAN DAS.

List 'E'

a. Notice issued by Shri Janardan Prasad, B.A., LL.B., Municipal Commissioner, Rewa, having no date and no name of the printers was freely circulated in the whole constituency (copy attached).

b. Notice published by Shri Madhusudan Prasad, Municipal Commissioner, Rewa, having no date and no name of the printers was freely circulated in the entire constituency between 3rd January to 10th January 1952 (copy attached).

(Sd.) (In Hindi) BISESAR SINGH.

(Sd.) BHAGWAN DAS.

(Sd.) TILAK RAJ SINGH.

Verification

I, Bhagwandas, hereby verify that the contents of List 'E' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24th April 1952.

(Sd.) BHAGWAN DAS.

List 'F'

1. The correct amount received by Respondent No. 1 and the column for receipts has not been truly shown.
2. That in part 'A' (Ka) the Respondent No. 1 has falsely shown the expenditure of Rs. 37/0/1 on 4th December 1951.
3. In the part 'Anga, the expenditure on pamphlets issued on behalf of Respondent No. 1, copies whereof, are attached hereto, has been deliberately not shown.
4. The expenditure incurred in purchasing nomination papers and obtaining a certified copy at Rewa Municipal Board, was deliberately concealed.

(Sd.) (In Hindi) BISESAR SINGH.

(Sd.) BHAGWAN DAS.

(Sd.) TILAK RAJ SINGH.

Verification

I, Bhagwandas, hereby verify that the contents of List 'F' are true partly to my personal knowledge and partly on information received and believed by me to be true.

Verified at Delhi on 24-4-52.

(Sd.) BHAGWAN DAS.

List of papers filed with the petition.

1. Receipt for the security deposit of Rs. 1,000.
2. Original notice issued by Samalia Ram referred to in List 'C' para. 'a'.
3. Copy of notice issued by Yadunandan Prasad referred to in List 'C' para. 'b'
4. Copy of notice issued by Janardan Prasad referred to in List 'E' para. 'a'
5. Copy of notice issued by Madhusudan Prasad referred to in List 'C' para.

(Sd.) BHAGWAN DAS.

24-4-52.

No. 308.—In pursuance of the provisions of sub-section (1) of Section 90 of Representation of the People Act, 1951, (XLIII of 1951), the following Election petition presented under Section 81 thereof is published for information.

Dated, 26th August, 1952.

E. MUKARJI, Chairman.

Election Tribunal,

Vindhya Pradesh at Rewa

The Secretary

Election Commission,

New Delhi.

PETITION UNDER SEC. 81 OF THE REPRESENTATION OF THE PEOPLES ACT 1951 (NO. XLIII OF 1951).

To set aside and declare void the election as a whole (of four members) to the Council of States by the members of the Legislative Assembly of Vindhya Pradesh, held on the 27th day of March, 1952 or declare petitioner duly elected instead of Shri Gulsher Ahmed.

Badri Narain Singh, a candidate for the election to the Council of States, by the members of the Vindhya Pradesh Legislative Assembly, residing at house No. 119, Ward No. 3, Shahdol, District Shahdol, (Vindhya Pradesh ...)

Petitioner.

Versus

1. Shri Awdhesh Pratap Singh, son of Chandrashekhar Singh,
Rampur House, Rewa.
2. Shri Baijnath Pd. Dube, son of Jhagru Duhe, Socialist Party
Office, Ward No. 2, Mohalla Ghogar, Rewa.
3. Shri Banarsi das Chaturvedi son of Ganesh Lal Chaturvedi,
Kundeshwar, Tikamgarh.
4. Shri Gulsher Ahmed, son of Shekh Wazir, P. O. Satna,
District Satna.
5. Jageshwar Prasad Pande, son of Dharamdatt, House No. 552,
Ward No. 1, Nowgong, District Chhatarpur.

Respondents.

The petitioner above-named most humbly states as follows:—

1. That the nomination paper of Respondent No. 5 was illegally accepted without security deposit; and candidature of Respondent No. 5 materially affected the election result of the petitioner.
2. That the age of respondent No. 4 on the date of nomination was below 30 years, the minimum required for a candidate, as shall be proved in the proceedings of the case;
3. That the Respondent No. 4 managed to get a Wire received in the Congress Office, the contents of which were communicated to the voters—The telegram read as under:

"Your telegram please follow these instructions for Council of States election. Congress members should form three groups of 13 each and allot one congress candidate for each group. They should give only first preference votes and mark number one exactly against name of particular congress candidates in ballot paper."

4. That the above noted telegram instructing the Congress party voters to align themselves in the group of 13 for each three congress nominees and for not casting their second, third and fourth preferences, was sent from the A.I.C.C. Office, New Delhi; This procedure as a whole violated the pious sanctity of the secrecy, making a grave infringement on the free exercise of the franchise and amounted to indirect threat to voters.

5. That respondent No. 4 fetched following voters (members of the V. P. Legislative Assembly) from the district of Chhatarpur and Datia in his own car and a Jeep engaged by him, and lodged them in his Bungalow recently acquired at Rewa and entertained them till the votes were casted:—

1. Shri Kamta Prasad Saxena, Datia.
2. Shri Pannalal, Chhatarpur.
3. Shri Govind, Chhatarpur.
4. Shri Pyare Lal, Chhatarpur.
5. Shri Basant Lal of Malihara, Distt. Chhatarpur.
6. Shri Thakur Das of Tikamgarh.
7. Shri Naraindas of Jatara.
8. Shri Raghurajsingh of Lidhaura.
9. Shri Shyam Lal of Ghugsi.

6. That the counting of votes had not been done in accordance with the procedure laid down.

7. That respondent No. 4 suffers from a disqualification under article 103 of the Constitution of India by owing acknowledgment and adherence to a foreign State viz. Pakistan, and it shall be proved by evidence.

8. That the Respondent No. 4 was not present in India at the time of the preparation of Electoral Rolls. He did not get his name enrolled with the permission of the Election Commission by depositing a sum of Rs. 50 as scheduled in the Procedure. To get his name included in the electoral Roll having been absent from India for a period of nearly two years amounts to forgery, and that if his name is thus excluded from the Electoral Roll his eligibility of being a candidate is fatally shattered.

9 The Petitioner, therefore, humbly submits that the election called in question has not been a free election

10 That the result of the election has been materially affected by the above reasons and improper acceptance of nomination papers of Respondents Nos. 4 and 5

11 That the provisions of the Constitution the Representation of Peoples Act, and rules relating to the election have not been fully complied with and have been misinterpreted

Prayer

(a) That the acceptance of the nominations of Defendants Nos. 4 and 5 be declared invalid.

(b) That the petitioner being the 4th candidate duly nominated be declared duly elected.

(c) That the election called in question, should as a whole be declared null and void,

(d) That Respondents No 4 and 5 be disqualified for a period of 5 years and refrained from contesting the said election in future,

(e) That fresh election for the Council of States for Vindhya Pradesh be ordered,

(f) That costs be awarded to the petitioner

(Sd) BADRI NARAIN SINGH,
Petitioner.

Dated 26th May 1952

(BADRI NARAIN SINGH),

residing at House No 119 Ward No. 3,
Shahdol Distt Shahdol Vindhya Pradesh

I Badri Narain Singh, son of Thakur Baldeo Singh, Rajput by caste, Hindu inhabitant residing at House No 119, Ward No 3, Shahdol District Shahdol, Vindhya Pradesh a Candidate for the election to the Council of States by the member of the Vindhya Pradesh Legislative Assembly do hereby solemnly affirm that what is stated in paras 1 to 11 and Prayer (a) to (f) above are true to the best of my knowledge, information and belief, and those stated in para 9 are submission to this Hon'ble Court.

(Sd) BADRI NARAIN SINGH.

Dated 26th May 1952.

A list setting forth particulars as required by section 83(2) of the Representation of the Peoples Act, 1951

1 That the illegal practices stated in paras 1 and 2 were committed on the 14th March, 1952, between 11 A.M., and 1 P.M. at Rewa in the Office of the Deputy Commissioner, Rewa,

(a) The Returning Officer Shri Mahabir Prasad did not reject the nomination paper of Shri Jageshwar Prasad Pande, Respondent No 5 at the time of Scrutiny of nomination papers who had not deposited a sum of Rs 500 as security deposit required by the provisions of the Representation of Peoples Act and rules relating to the elections

(b) By illegally accepting the nomination paper of Respondent No 4 who was below 30 years on the date of nomination, the minimum age required for a candidate. The Respondent No 4 was a student in the Venkat High School Satna and passed his matriculation examination in 1940. The records of the Venkat High School Satna and the Ewing Christian College, Allahabad and other oral evidences will prove the allegations

2 That corrupt practices stated in para 5 of the petition were committed between the forenoon of 26th March 1952 when Respondent No 4 went to Chhatarpur and other places in his car along with a Jeep engaged by him fetched the following nine voters and brought them to Rewa in his own car and Jeep, accommodated, and entertained them in his Bungalow taken on Rent near Government Agricultural Farm on Vikram Road, Rewa.

List of Voters Brought by Respondent No. 4

(1) Shri Kamta Prasad Saxena, (2) Shri Panna Lal, Chhatarpur, (3) Shri Govind Chhatarpur, (4) Shri Pyare Lall, Chhatarpur, (5) Shri Basant Lal of Malaihra, Distt. Chhatarpur, (6) Shri Thakur Dass of Tikamgarh, (7) Shri Narayan Dass of Jatara, (8) Shri Raghuraj Singh of Lidhaura, (9) Shri Shyam Lal of Ghugsi.

3. That corrupt practices of undue pressure, threats and intimidation stated in paras, 3 and 4 were committed on the 27th March 1952 between 7 and 9 A.M. at Rewa in the residence of Captain Shri Lal Awadhesh Pratap Singh, a successful candidate where nearly all the 39 Congress party M.L.A. were called and assembled for canvassing purposes from where the voters went in groups to the Polling Station (Memorial Hall) situated within a distance of 100 yards.

4. That the illegal practice stated in Para. 6 of the Petition was committed at Rewa in the Memorial Hall (Polling Station) on the 27th March, 1952, between 3 to 5 P.M. when the counting took place and results declared.

5. That the illegal practice stated in Para. 7 of the petition is a question which will be proved by evidences and the records of the Central intelligence Bureau Local C.I.D. Vindhya Pradesh and Central Government records and the records of the All India Radio and Broadcasting and B.B.C. London. Respondent No. 4 has got shares in business with his relatives in Pakistan. Renders help for the growth and spread of fanaticism in Pakistan threatening Hindus of the Home-land of Pakistan. Subscriptions are raised by the Cousins of Respondent No. 4, named Maulabus and Rahimbus as levy on Bidi Makers and are being spent on Propaganda in favour of Pakistan.

6. That the allegations stated in paras. 8, 9, 10 and 11 of the petition are legal and constitutional, which will be proved by oral evidence and records in possession of the Chief Electoral Officer, Vindhya Pradesh, Rewa, Election Commission, India, New Delhi, Deputy Commissioner, and Tehsildar, Satna, and other officials connected with the preparation of electoral Rolls.

(Sd.) **BADRI NARAIN SINGH,**

Petitioner,

I, Badri Narain Singh, son of Thakur Baldeo Singh, Rajput by caste, Hindu inhabitant, residing at House No. 119, Ward No. 3, Shahdol, District Shahdol, Vindhya Pradesh, a candidate for the election to the Council of States by the Members of the Vindhya Pradesh Legislative Assembly, do hereby solemnly affirm that what is stated in paras. 1 and 6 are true to the best of my knowledge, information and belief.

(Sd.) **BADRI NARAIN SINGH,**

Dated 26th May 1952.

(**BADRI NARAIN SINGH**),

residing at House No. 119, Ward No. 3,
Shahdol, Distt. Shahdol, Vindhya Pradesh.

P. S. SUBRAMANIAN,
Officer on Special Duty.